

**VALENTI LAW APC**

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## Attorney for Stewart Thompson

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

## STEWART THOMPSON.

**Plaintiff,**

vs.

NOMADA HOTEL GROUP LLC;  
BOYS AND GIRL LLC; and DOES 1-  
10,

### Defendants.

| Case No.:

## **COMPLAINT FOR:**

DENIAL OF CIVIL RIGHTS AND  
ACCESS TO PUBLIC FACILITIES  
TO PHYSICALLY DISABLED  
PERSONS IN VIOLATION OF THE  
AMERICANS WITH DISABILITIES  
ACT OF 1990, (42 U.S.C. §12101, *et  
seq.*) AND THE UNRUH CIVIL  
RIGHTS ACT, (CALIFORNIA CIVIL  
CODE §51, *et seq.*)

## **DEMAND FOR JURY TRIAL**

1        “[T]he continuing existence of unfair and unnecessary discrimination and  
2        prejudice denies people with disabilities the opportunity to compete on an  
3        equal basis and to pursue those opportunities for which our free society  
4        is justifiably famous.” 42 U.S.C. §12101(a)(8).

5        “It is the policy of this state to encourage and enable individuals with a  
6        disability to participate fully in the social and economic life of the state ...”  
7        California Government Code §19230(a).

8        Plaintiff STEWART THOMPSON (hereinafter referred to as “Plaintiff”)  
9        complains of NOMADA HOTEL GROUP LLC a California limited liability  
10      company dba THE FARMHOUSE MOTEL; BOYS AND GIRL LLC a California  
11      limited liability company; and DOES 1-10, (each, individually a “Defendant” and  
12      collectively “Defendants”) and alleges as follows:

## 12                  I.        PARTIES

13        1.        Plaintiff STEWART THOMPSON is a California resident and a  
14        qualified physically disabled person. He has paralysis and uses a wheelchair for  
15        mobility. Plaintiff prides himself on his independence and on empowering other  
16        disabled persons to be independent.

17        2.        Defendants NOMADA HOTEL GROUP LLC, BOYS AND GIRL  
18        LLC, and DOES 1- 10 are and were the owners, operators, lessors and/or lessees of  
19        the subject business, property, and facility at all times relevant in this Complaint.

20        3.        Plaintiff does not know the true names of Defendants, their business  
21        capacities, their ownership connection to the property and business, or their  
22        relative responsibilities in causing the access violations herein complained of, and  
23        alleges a joint venture and common enterprise by all such Defendants. Plaintiff is  
24        informed and believes that each of the Defendants herein, including DOES 1  
25        through 10, inclusive, is responsible in some capacity for the events herein alleged,  
26        or is a necessary party for obtaining appropriate relief. Plaintiff will seek leave to  
27  
28

1 amend when the true names, capacities, connections, and responsibilities of the  
2 Defendants and Does 1 through 10, inclusive, are ascertained.

3       4. Defendants own and owned the property located at 425 Spring Street,  
4 Paso Robles, CA 93446 (“Subject Property”) at all relevant times.

5       5. Defendants operate and operated a motel doing business as  
6 Farmhouse Motel (“Motel”), located at the Subject Property, at all relevant times.

7       6. Plaintiff alleges that the Defendants have been and are the owners,  
8 franchisees, lessees, general partners, limited partners, agents, trustees, employees,  
9 subsidiaries, partner companies and/or joint ventures of each of the other  
10 Defendants, and performed all acts and omissions stated herein within the course  
11 and scope of such relationships causing the damages complained of herein.

## 12                   **II. JURISDICTION AND VENUE**

13       7. This Court has subject matter jurisdiction over this action pursuant to  
14 28 U.S.C. §1331 and §1343(a)(3) and (a)(4) for violations of the Americans with  
15 Disabilities Act of 1990, U.S.C. §12101, *et seq.*

16       8. Pursuant to supplemental jurisdiction, an attendant and related cause  
17 of action, arising out of the same nucleus of operative facts and arising out of the  
18 same transactions, is also brought under California’s Unruh Civil Rights Act,  
19 which expressly incorporates the Americans with Disabilities Act.

20       9. Venue is proper in this court pursuant to 28 U.S.C. U.S.C. §1331(b)  
21 and is founded on the fact that the real property which is the subject of this action  
22 is located in this district and that Plaintiff’s causes of action arose in this district.

## 23                   **III. FACTS**

24       10. Plaintiff uses a wheelchair for mobility.

25       11. Defendants’ business is open to the public, a place of public  
26 accommodation, and a business establishment.

27       12. Defendant’s Motel and all of its rooms were completely remodeled  
28 and altered in or around 2021. Such alterations trigger a legal duty to ensure

1 accessible parking and accessible common areas, as well a minimum number of  
2 rooms with mobility features. 2010 ADA §224 et seq.; 2022 CBC 11B-224 et seq..

3       13. In the spring of 2024 Plaintiff wanted to take his wife on a romantic,  
4 surprise trip to the area to celebrate their anniversary. Plaintiff and his wife enjoy  
5 vacationing in Paso Robles. Enticed by the Motel's convenient location, modern  
6 facilities, and high customer ratings, Plaintiff sought to book a room at the Motel  
7 for three nights.

8       14. On or around April 1, 2024, Plaintiff visited the Motel's website to  
9 obtain information about the Motel's wheelchair accessible guest rooms. He found  
10 that the website did not indicate whether the Motel has wheelchair accessible  
11 rooms, nor did the website describe any features of wheelchair access that may be  
12 provided at the Motel.

13       15. That same day, Plaintiff called the Motel to inquire about the  
14 availability of wheelchair accessible guest rooms. He spoke to a front desk staff  
15 member who told him that the Motel "is not wheelchair accessible and does not  
16 need to be," or words to that effect. Plaintiff was taken aback, frustrated, and  
17 dismayed by this response.

18       16. Because Defendants did not offer persons with disabilities equivalent  
19 facilities, privileges, advantages, and accommodations offered to other persons he  
20 decided to keep looking for an accessible accommodation for himself and his wife.  
21 He chose to stay at a different hotel in the area with confirmed wheelchair  
22 accessible facilities and amenities.

23       17. Plaintiff would like to patronize the Motel, but he is deterred from  
24 doing so unless and until it is brought into compliance with federal and/or  
25 California disabled access standards. These include, but are not limited to,  
26 providing at least the minimum required number of wheelchair accessible guest  
27 rooms; ensuring that the Motel's common areas (including public parking  
28 facilities, check-in areas, and gathering areas) are wheelchair accessible; and, once

1 the property is fully compliant with federal and California law (including  
2 California access standards that are additional to and/or more stringent than ADA  
3 standards), updating the website to provide information about disabled access and  
4 accessible accommodations at the Motel, as required by law. 2010 ADA §224 et  
5 seq.; 2010 ADA §404.2.3; 2010 ADA §806 et seq.; 2022 CBC 11B-224 et seq.;  
6 2022 CBC 11B-224.6; 2022 CBC 11B-225; CBC 11B-404.2.3; 2022 CBC 11B-  
7 806 et seq.; 2022 CBC 11B-806.3.1; 2022 CBC 11B-702; 28 C.F.R. §36.302 et  
8 seq.

9       18. These inaccessible conditions and barriers denied Plaintiff full and  
10 equal access and caused him difficulty, discomfort, and embarrassment.

11       19. These barriers denied Plaintiff full and equal access due to his  
12 disability because, *inter alia*, they caused Plaintiff anxiety, difficulty, discomfort,  
13 and embarrassment which patrons who do not use a wheelchair for mobility do not  
14 suffer if they desire to access the Subject Property.

15       20. Plaintiff encountered barriers that interfered with and denied Plaintiff  
16 the ability to use and enjoy the goods, services, privileges, advantages, and  
17 accommodations offered by Defendants at the Subject Property.

18       21. These barriers violate one or more standards of the Americans with  
19 Disabilities Act (“2010 ADA”) and/or the California Building Codes (“2022  
20 CBC”).

21       22. The barriers existed during Plaintiff’s attempt to visit the Subject  
22 Property.

23       23. These barriers denied Plaintiff full and equal access due to his  
24 disability because, *inter alia*, they caused Plaintiff anxiety, difficulty, discomfort,  
25 and embarrassment which patrons who do not use a wheelchair for mobility do not  
26 suffer when they desire to access the Subject Property.

27       24. Plaintiff has Article III standing because he attempted to visit the  
28 subject property for a vacation stay with his wife. Both he and his wife enjoy

1 vacationing in Paso Robles. Plaintiff intends to return to the Subject Property in the  
2 near future to vacation after the accessibility barriers alleged herein have been  
3 removed. Until then, he is deterred from booking a room at the Motel.

4       25. Plaintiff alleges that Defendants knew that the barriers prevented  
5 equal access. Plaintiff further alleges that Defendants had actual or constructive  
6 knowledge that the architectural barriers prevented equal access, and that the  
7 noncompliance with the Americans with Disabilities Act and Title 24 of the  
8 California Building Code regarding accessible features was intentional.

9       26. Defendants have obstructed or failed to maintain, in working and  
10 useable conditions, those features necessary to provide ready access to persons  
11 with disabilities. “A public accommodation shall maintain in operable working  
12 condition those features of facilities and equipment that are required to be readily  
13 accessible to and usable by persons with disabilities.” 28 C.F.R. §36.211(a); 2022  
14 CBC 11B-108.

15       27. The State of California Department of General Servicers, Division of  
16 the State Architect (DSA) provides commentary to 2022 CBC 11B-108 as follows:

17           Features for accessibility must be permanently functional, unobstructed  
18 and may not be removed. It is not sufficient to provide features such as  
19 accessible routes, parking, elevators, ramps or signage if those features  
20 are not maintained in a manner that enables individuals with disabilities  
to use them.

21 DSA, 2019 California Access Compliance Advisory Reference Manual, p.84.

22       28. Defendants have the financial resources to remove these barriers  
23 without much expense or difficulty in order to make their property more accessible  
24 to their mobility impaired customers. The United States Department of Justice has  
25 identified that these types of barriers are readily achievable to remove.

26       29. To date, Defendants refuse to remove these barriers, in violation of  
27 the law, willfully depriving disabled persons including Plaintiff of important civil  
28 rights.

1       30. The barriers to access are listed above without prejudice to Plaintiff  
2 citing additional barriers to equal access by an amended complaint after inspection  
3 by Plaintiff's Certified Access Specialist (CASp). *Oliver v. Ralphs Grocery Co.*,  
4 654 F.3d 903 (9th Cir. 2011); *Doran v. 7-Eleven, Inc.*, 524 F.3d 1034 (9th Cir.  
5 2008); *Chapman v. Pier One Imports (USA), Inc.*, 631 F.3d 939 (9th Cir. 2011).  
6 All of these barriers to access render the premises inaccessible to physically  
7 disabled persons who are mobility impaired, such as Plaintiff, are barriers Plaintiff  
8 may encounter when he returns to the premises. All public accommodations must  
9 be brought into compliance with all applicable federal and state accessibility  
10 requirements.

## FIRST CAUSE OF ACTION

## Violation of the Americans With Disabilities Act of 1990

(42 U.S.C. §12101, *et seq.*)

(Against All Defendants)

15       31. Plaintiff alleges and incorporates by reference, as if fully set forth  
16 again herein, each and every allegation contained in all prior paragraphs of this  
17 complaint.

18        32. More than thirty years ago, the 101st United States Congress found  
19 that although “physical or mental disabilities in no way diminish a person’s right to  
20 fully participate in all aspects of society, yet many people with physical or mental  
21 disabilities have been precluded from doing so because of discrimination...in such  
22 critical areas as employment, housing, public accommodations, education,  
23 transportation, communication, recreation, institutionalization, health services,  
24 voting, and access to public services.” 42 U.S.C. §12101(a).

25        33. In 1990 Congress also found that “the Nation’s proper goals regarding  
26 individuals with disabilities are to assure equality of opportunity, full participation,  
27 independent living, and economic self-sufficiency for such individuals,” but that  
28 “the continuing existence of unfair and unnecessary discrimination and prejudice

1 denies people with disabilities the opportunity to compete on an equal basis and to  
2 pursue those opportunities for which our free society is justifiably famous.” 42  
3 U.S.C. §12101(a).

4       34. In passing the Americans with Disabilities Act of 1990, which was  
5 signed into law by President George H. W. Bush on July 26, 1990 (hereinafter the  
6 “ADA”), Congress stated as its purpose:

7           “It is the purpose of this Act

8           (1) to provide a clear and comprehensive national mandate for the  
9 elimination of discrimination against individuals with disabilities;

10          (2) to provide clear, strong, consistent, enforceable standards  
11 addressing discrimination against individuals with disabilities;

12          (3) to ensure that the Federal Government plays a central role in  
13 enforcing the standards established in this Act on behalf of individuals  
14 with disabilities; and

15          (4) to invoke the sweep of congressional authority, including the power  
16 to enforce the fourteenth amendment and to regulate commerce, in  
17 order to address the major areas of discrimination faced day to-day by  
18 people with disabilities.”

19       42 USC §12101(b).

20       35. As part of the ADA, Congress passed “Title III – Public  
21 Accommodations and Services Operated by Private Entities” (42 U.S.C. §12181 *et*  
22 *seq.*). Title III of the ADA prohibits discrimination against any person “on the  
23 basis of disability in the full and equal enjoyment of the goods, services, facilities,  
24 privileges, advantages, or accommodations of any place of public accommodation  
25 by any person who owns, leases (or leases to), or operates a place of public  
26 accommodation.” 42 U.S.C. §12182(a).

27       36. The specific prohibitions against discrimination include, *inter alia*, the  
28 following:

- 1     • 42 U.S.C. §12182(b)(1)(A)(ii): “Participation in Unequal Benefit. - It  
2       shall be discriminatory to afford an individual or class of individuals,  
3       on the basis of a disability or disabilities of such individual or class,  
4       directly, or through contractual, licensing, or other arrangements, with  
5       the opportunity to participate in or benefit from a good, service, facility,  
6       privilege, advantage, or accommodation that is not equal to that  
7       afforded to other individuals.”
- 8     • 42 U.S.C. §12182(b)(2)(A)(ii): “a failure to make reasonable  
9       modifications in policies, practices, or procedures when such  
10      modifications are necessary to afford such goods, services, facilities,  
11      privileges, advantages, or accommodations to individuals with  
12      disabilities...;”
- 13     • 42 U.S.C. §12182(b)(2)(A)(iii): “a failure to take such steps as may be  
14      necessary to ensure that no individual with a disability is excluded,  
15      denied service, segregated, or otherwise treated differently than other  
16      individuals because of the absence of auxiliary aids and services...;”
- 17     • 42 U.S.C. §12182(b)(2)(A)(iv): “a failure to remove architectural  
18      barriers, and communication barriers that are structural in nature, in  
19      existing facilities... where such removal is readily achievable;”
- 20     • 42 U.S.C. §12182(b)(2)(A)(v): “where an entity can demonstrate that  
21      the removal of a barrier under clause (iv) is not readily achievable, a  
22      failure to make such goods, services, facilities, privileges, advantages,  
23      or accommodations available through alternative methods if such  
24      methods are readily achievable.”

25           37. Plaintiff is a qualified individual with a disability as defined in the  
26       Rehabilitation Act and in the Americans with Disabilities Act of 1990.

27           38. The acts and omissions of Defendants set forth herein were in  
28       violation of Plaintiff’s rights under the ADA and the regulations promulgated  
29       thereunder, 28 C.F.R. Part 36 *et seq.*

30           39. The removal of each of the physical and policy barriers complained of  
31       by Plaintiff as hereinabove alleged, were at all times herein mentioned “readily  
32       achievable” under the standards of §12181 and §12182 of the ADA. Removal of

1 each and every one of the architectural and/or policy barriers complained of herein  
2 was already required under California law. Further, on information and belief,  
3 alterations, structural repairs or additions since January 26, 1993, have also  
4 independently triggered requirements for removal of barriers to access for disabled  
5 persons per §12183 of the ADA. In the event that removal of any barrier is found  
6 to be “not readily achievable,” Defendants still violated the ADA, per  
7 §12182(b)(2)(A)(v) by failing to provide all goods, services, privileges, advantages  
8 and accommodations through alternative methods that were “readily achievable.”

9       40. On information and belief, as of the date of Plaintiff’s encounter at the  
10 premises and as of the filing of this Complaint, Defendants’ actions, policies, and  
11 physical premises have denied and continue to deny full and equal access to  
12 Plaintiff and to other mobility disabled persons in other respects, which violate  
13 Plaintiff’s right to full and equal access and which discriminate against Plaintiff on  
14 the basis of his disabilities, thus wrongfully denying to Plaintiff the full and equal  
15 enjoyment of the goods, services, facilities, privileges, advantages and  
16 accommodations, in violation of 42 U.S.C. §12182 and §12183 of the ADA.

17       41. Defendants’ actions continue to deny Plaintiff’s rights to full and  
18 equal access and discriminated and continue to discriminate against him on the  
19 basis of his disabilities, thus wrongfully denying to Plaintiff the full and equal  
20 enjoyment of Defendants’ goods, services, facilities, privileges, advantages and  
21 accommodations, in violation of the ADA, 42 U.S.C. §12182.

22       42. Further, each and every violation of the Americans With Disabilities  
23 Act of 1990 also constitutes a separate and distinct violation of California Civil  
24 Code §51(f), §52, §54(c) and §54.1(d), thus independently justifying an award of  
25 damages and injunctive relief pursuant to California law, including but not limited  
26 to Civil Code §54.3 and §55.

27       //

28       //

## **SECOND CAUSE OF ACTION**

## Violation of the Unruh Civil Rights Act

(California Civil Code §51, *et seq.*)

(Against All Defendants)

43. Plaintiff alleges and incorporates by reference, as if fully set forth again herein, each and every allegation contained in all prior paragraphs of this complaint.

44. California Civil Code §51 provides that physically disabled persons are free and equal citizens of the state, regardless of their medical condition or disability:

All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, **disability, or medical condition** are entitled to full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

California Civil Code §51(b) (emphasis added).

45. California Civil Code §51.5 also states, in part: "No business, establishment of any kind whatsoever shall discriminate against...any person in this state on account" of their disability.

46. California Civil Code §51(f) specifically incorporates (by reference) an individual's rights under the ADA into the Unruh Act.

47. California Civil Code §52 provides that the discrimination by Defendants against Plaintiff on the basis of his disability constitutes a violation of the general antidiscrimination provisions of §51 and §52.

48. Each of Defendants' discriminatory acts or omissions constitutes a separate and distinct violation of California Civil Code §52, which provides that:

Whoever denies, aids or incites a denial, or makes any discrimination or distinction contrary to section 51, 51.5, or 51.6 is liable for each and every offense for the actual damages, and any amount that may be determined by a jury, or a court sitting without a jury, up to a maximum

1 of three times the amount of actual damage but in no case less than four  
2 thousand dollars (\$4,000), and any attorney's fees that may be  
3 determined by the court in addition thereto, suffered by any person  
denied the rights provided in Section 51, 51.5, or 51.6.

4 49. Any violation of the Americans with Disabilities Act of 1990  
5 constitutes a violation of California Civil Code §51(f), thus independently  
6 justifying an award of damages and injunctive relief pursuant to California law,  
7 including Civil Code §52. Per Civil Code §51(f), "A violation of the right of any  
8 individual under the Americans with Disabilities Act of 1990 (Public Law 101-  
9 336) shall also constitute a violation of this section."

10 50. The actions and omissions of Defendants as herein alleged constitute a  
11 denial of access to and use of the described public facilities by physically disabled  
12 persons within the meaning of California Civil Code §51 and §52.

13 51. The discriminatory denial of equal access to and use of the described  
14 public facilities caused Plaintiff difficulty, discomfort, and embarrassment.

15 52. As a proximate result of Defendants' action and omissions,  
16 Defendants have discriminated against Plaintiff in violation of Civil Code §51 and  
17 §52, and are responsible for statutory, compensatory and actual damages to  
18 Plaintiff, according to proof.

#### 19 PRAYER FOR RELIEF

20 Plaintiff has no adequate remedy at law to redress the wrongs suffered as set  
21 forth in this Complaint. Plaintiff has suffered and will continue to suffer  
22 irreparable injury as a result of the unlawful acts, omissions, policies, and  
23 practices of the Defendants as alleged herein, unless Plaintiff is granted the relief  
24 he requests. Plaintiff and Defendants have an actual controversy and opposing  
25 legal positions as to Defendants' violations of the laws of the United States and  
26 the State of California.

1       The need for relief is critical because the civil rights at issue are paramount  
2 under the laws of the United States of America and the State of California.

3       WHEREFORE, Plaintiff prays judgment against Defendants, and each of  
4 them, as follows:

5           1.      Issue a preliminary and permanent injunction directing  
6 Defendants as current owners, operators, lessors, and/or lessees of the  
7 Subject Property and premises to modify the above described property,  
8 premises, policies and related facilities to provide full and equal access  
9 to all persons, including persons with physical disabilities; and issue a  
10 preliminary and permanent injunction pursuant to ADA §12188(a) and  
11 state law directing Defendants to provide facilities and services usable  
12 by Plaintiff and similarly situated persons with disabilities, and which  
13 provide full and equal access, as required by law, and to maintain such  
14 accessible facilities once they are provided; to cease any discriminatory  
15 policies; and to train Defendants' employees and agents how to  
16 recognize disabled persons and accommodate their rights and needs;

17           2.      Retain jurisdiction over the Defendants until such time as  
18 the Court is satisfied that Defendants' unlawful policies, practices, acts  
19 and omissions, and maintenance of physically inaccessible public  
20 facilities and policies as complained of herein no longer occur, and  
21 cannot recur;

22           3.      Award to Plaintiff all appropriate damages, including but  
23 not limited to actual and statutory damages according to proof;

24           4.      Award to Plaintiff all reasonable attorney fees, litigation  
25 expenses, and costs of this proceeding pursuant to 42 U.S.C §12205 and  
26 California Civil Code §52; and,

27           5.      Grant such other and further relief as this Court may deem  
28 just and proper.

1  
2 DATED: January 31, 2025  
3

**VALENTI LAW APC**

4 By: /s/ Matthew D. Valenti  
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Matthew D. Valenti  
6 Attorney for Plaintiff  
7 Stewart Thompson  
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## JURY DEMAND

Plaintiff hereby demands a trial by jury for all claims and issues for which a jury is permitted.

DATED: January 31, 2025

VALENTI LAW APC

By: /s/ Matthew D. Valenti

Matthew D. Valenti  
Attorney for Plaintiff  
Stewart Thompson